

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
WILKESBORO DIVISION**

IN THE MATTER OF:

**RYAN ELLIOT SIEGMANN
SUSAN ANN SIEGMANN
Debtors.**

**Chapter 13
Case No. 11-50152**

DEBTORS OBJECTION TO THE CITIMORTGAGE, INC. PROOF OF CLAIM

COMES NOW THE DEBTORS by and through their attorney, Robert G. LaMontagne, and do hereby object and in support of Debtors Objection to the Citimortgage, Inc. Proof of Claim, would state and show unto the Court that:

1. The Debtors did file for Bankruptcy protection on February 13, 2011.
2. The Citimortgage submitted a Proof of Claim as a Secured Debt on March 14, 2011 for the amount of \$183532.33, as to this debt the Debtors do hereby object.
3. The Citimortgage also on March 14, 2011 submitted a Proof of Claim Exhibit "A"; as to each of the debts listed on Exhibit "A" the Debtors do hereby object.
4. The Debtors have been in a loan modification with Citimortgage since January 2009.
5. The modification changed the monthly loan payment from \$1,202.66 to \$936.18 and Citimortgage automatically drafted this payment from the Debtors checking account each and every month beginning with the January 2009 payment.
6. The Debtors were current with their mortgage at the time of filing and do hereby object to any arrears requested by Citimortgage.
7. To allow the Citimortgage Proof of Claim to stand would be detrimental to the Chapter 13 Plan, the Debtors and the remaining creditors.

Wherefore, the Debtors pray that:

1. The Citimortgage Proof of Claim and Proof of Claim Exhibit "A" be rejected in its entirety;
2. The actual amount of \$936.18 be allowed for the monthly plan payment for the mortgage.

3. For such other relief to which the Debtors may be entitled.

This 20th day of May, 2011.

/s/ Robert G. LaMontagne
Robert G. LaMontagne
Law Office of Robert G. LaMontagne
Attorney for the Debtors
NC State Bar #32274
229 Davie Avenue
Statesville, NC 28677
Telephone (704) 883-9868
FAX (704) 883-9897

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IN THE MATTER OF:

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**Chapter 13
Case No. 11-50152**

**NOTICE OF NO PROTEST HEARING RE: DEBTORS' OBJECTION TO
CITIMORTGAGE, INC. PROOF OF CLAIM**

NOW COMES the Debtors, by and through their attorney, Robert G. LaMontagne, and moves this Court for an Order Rejecting the Proof of Claim filed by CITIMORTGAGE, INC., the Debtor's case as noted above.

You should read these papers carefully and discuss them with an attorney, if you have one in this bankruptcy case. You may wish to consult with an attorney if you don't have one.

If you do not want the court to grant the Debtor's objection and you have a valid response to the objection, then you or your attorney must file with this Court a written response to this objection defending your claim and also to request a hearing, within thirty (30) days of the date of the service of this notice, at the following address:

CLERK, U.S. BANKRUPTCY COURT
P.O. BOX 34189
CHARLOTTE, NC 28234

If you mail your response to the court for filing, you **must** mail it early enough for the Court to receive it on or before the deadline noted above. You **must** also mail a copy of your response to the debtor(s)' attorney at the address noted below:

Robert G. LaMontagne, 229 Davie Avenue, Statesville, NC 28677.

If you file a response a hearing will be held on the objection at the following time and place:

Date: July 8, 2011 **Time:** 9:30 a.m. or as soon thereafter as this matter may be heard.

Location: Johnson J. Hayes Federal Bldg., Room 201, 207 West Main St., Wilkesboro, NC 28697

NO HEARING WILL BE HELD UNLESS A RESPONSE IS FILED: If you or your attorneys do not take these steps the Court may decide that you do not oppose the Debtors' Objection to Citimortgage, Inc. Proof of Claim and request for the Proof of Claim to be rejected.

Dated: May 20, 2011

Robert G. LaMontagne
Attorney for the Debtors

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CERTIFICATE OF SERVICE

Robert G. LaMontagne, attorney for the debtors, hereby certifies to the Court as follows:

1. I am not a party for the foregoing proceeding;
2. I am not less than 18 years of age;
3. I have this day served a copy of the foregoing DEBTORS OBJECTION TO CITIMORTGAGE, INC. PROOF OF CLAIM on all parties in interest by placing the same in an envelope, first-class mail, postage prepaid, addressed to each person at his dwelling house or usual place of abode or to the place where he regularly conducts his business or profession as follows:

Citimortgage, Inc.
PO Box 140609
Irving, TX 75019-0609

And via the Court's Electronic Case Filing System to:

Steven G. Tate, Trustee
P.O. Box 1778
Statesville, NC 28687-1778

Bankruptcy Administrator
402 W. Trade St., Room 200
Charlotte, NC 28202-1664

This the 20th day of May, 2011.

/s/ Robert G. LaMontagne
Robert G. LaMontagne
Law Office of Robert G. LaMontagne
Attorney for the Debtors
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Statesville, NC 28677
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